

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

CONAGRA FOODS ENTERPRISE
SERVICES, INC., a Delaware corporation,

Defendant.

NO. C19-00692-RSM

STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE

THE PARTIES above named, through their attorneys Russell J. Reid of Reid, McCarthy, Ballew & Leahy, L.L.P., attorneys for Plaintiff, and Christopher L. Ottele of Husch Blackwell LLP, attorneys for Defendant, ConAgra Foods Enterprise Services, Inc., hereby stipulate that the above-referenced action should be dismissed, with prejudice, and with each party bearing its own costs. This Stipulation shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys' fees for the time period encompassed by this action, January 1, 2018 through December 31, 2018, if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than

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January 1, 2018 through December 31, 2018; however, this Order of Dismissal with Prejudice shall foreclose Plaintiff and the Trust, based on res judicata and/or other legal principles, from collecting additional contributions, liquidated damages, interest, attorneys' fees, and/or costs that relate to or arise in any way from the same contributions, liquidated damages, interest, attorneys' fees, and/or costs alleged to have been owed to Plaintiff or the Trust in this action.

DATED this 28th day of June, 2019.

REID, McCARTHY, BALLEW & LEAHY.
L.L.P.

s/Russell J. Reid
Russell J. Reid WSBA #2560
Attorney for Plaintiff

HUSCH BLACKWELL LLP

s/Christopher L. Ottele, *permission to
sign authorized via email dated 6/28/19*
Christopher L. Ottele, WSBA #29470
Attorney for Defendant

ORDER OF DISMISSAL

Based on the foregoing Stipulation of Plaintiff and Defendant,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action shall be and is hereby dismissed with prejudice and that each party shall bear its own costs of suit. This Order shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys' fees for the time period encompassed by this action, January 1, 2018 through December 31, 2018, if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest,

attorney's fees and costs for any period other than January 1, 2018 through December 31, 2018; however, this Stipulation shall foreclose Plaintiff and the Trust, based on res judicata and/or other legal principles, from collecting additional contributions, liquidated damages, interest, attorneys' fees, and/or costs that relate to or arise in any way from the same contributions, liquidated damages, interest, attorneys' fees, and/or costs alleged to have been owed to Plaintiff or the Trust in this action.

ORDER ENTERED this 1 day of July 2019.



RICARDO S. MARTÍNEZ
CHIEF UNITED STATES DISTRICT JUDGE

Submitted for Entry:

REID, McCARTHY, BALLEW &
LEAHY, L.L.P.

By s/Russell J. Reid
Russell J. Reid, WSBA #2560
Attorneys for Plaintiff